

76-1-502 Negating defense by allegation or proof -- When not required.

Section 76-1-501 does not require negating a defense:

- (1) By allegation in an information, indictment, or other charge; or
- (2) By proof, unless:
 - (a) The defense is in issue in the case as a result of evidence presented at trial, either by the prosecution or the defense; or
 - (b) The defense is an affirmative defense, and the defendant has presented evidence of such affirmative defense.

Enacted by Chapter 196, 1973 General Session